

110TH CONGRESS
2D SESSION

H. R. 7282

To promote conservation and provide for sensible development in Carson City, Nevada, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2008

Mr. HELLER of Nevada (for himself and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote conservation and provide for sensible development in Carson City, Nevada, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Carson City Vital Community Act of 2008”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PUBLIC CONVEYANCES

- Sec. 101. Conveyances of Federal land and City land.
 Sec. 102. Transfer of administrative jurisdiction from the Forest Service to the
 Bureau of Land Management.

TITLE II—LAND DISPOSAL

- Sec. 201. Disposal of Carson City land.
 Sec. 202. Disposition of proceeds.
 Sec. 203. Urban interface.
 Sec. 204. Availability of funds.

TITLE III—TRANSFER OF LAND TO BE HELD IN TRUST FOR THE
WASHOE TRIBE, SKUNK HARBOR CONVEYANCE CORRECTION,
FOREST SERVICE AGREEMENT, AND ARTIFACT COLLECTION

- Sec. 301. Transfer of land to be held in trust for Washoe Tribe.
 Sec. 302. Correction of Skunk Harbor conveyance.
 Sec. 303. Agreement with Forest Service.
 Sec. 304. Artifact collection.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Conveyance of property to Clark County, Nevada.
 Sec. 402. Special designation of the Nellis Dunes National Off-Highway Vehicle
 Recreation Area in Clark County, Nevada.
 Sec. 403. Transfer of administrative jurisdiction to Nellis Air Force Base.
 Sec. 404. Final patent and land reconfiguration in Clark County and Lincoln
 County, Nevada.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CITY.—The term “City” means Carson City
 4 Consolidated Municipality, Nevada.

5 (2) MAP.—The term “Map” means the map en-
 6 titled “Carson City, Nevada Area”, dated September
 7 12, 2008, and on file and available for public inspec-
 8 tion in the appropriate offices of—

9 (A) the Bureau of Land Management;

10 (B) the Forest Service; and

11 (C) the City.

1 (3) SECRETARY.—The term “Secretary”
2 means—

3 (A) with respect to land in the National
4 Forest System, the Secretary of Agriculture,
5 acting through the Chief of the Forest Service;
6 and

7 (B) with respect to other Federal land, the
8 Secretary of the Interior.

9 (4) SECRETARIES.—The term “Secretaries”
10 means the Secretary of Agriculture and the Sec-
11 retary of the Interior, acting jointly.

12 (5) TRIBE.—The term “Tribe” means the
13 Washoe Tribe of Nevada and California, which is a
14 federally recognized Indian tribe.

15 **TITLE I—PUBLIC CONVEYANCES**

16 **SEC. 101. CONVEYANCES OF FEDERAL LAND AND CITY** 17 **LAND.**

18 (a) IN GENERAL.—Notwithstanding section 202 of
19 the Federal Land Policy and Management Act of 1976
20 (43 U.S.C. 1712), if the City offers to convey to the
21 United States title to the non-Federal land described in
22 subsection (b)(1) that is acceptable to the Secretary of Ag-
23 riculture—

24 (1) the Secretary shall accept the offer; and

1 (2) not later than 180 days after the date on
2 which the Secretary receive acceptable title to the
3 non-Federal land described in subsection (b)(1), the
4 Secretaries shall convey to the City, subject to valid
5 existing rights and for no consideration, except as
6 provided in subsection (c)(1), all right, title, and in-
7 terest of the United States in and to the Federal
8 land (other than any easement reserved under sub-
9 section (c)(2)) or interest in land described in sub-
10 section (b)(2).

11 (b) DESCRIPTION OF LAND.—

12 (1) NON-FEDERAL LAND.—The non-Federal
13 land referred to in subsection (a) is the approxi-
14 mately 2,264 acres of land administered by the City
15 and identified on the Map as “To U.S. Forest Serv-
16 ice”.

17 (2) FEDERAL LAND.—The Federal land re-
18 ferred to in subsection (a)(2) is—

19 (A) the approximately 935 acres of Forest
20 Service land identified on the Map as “To Car-
21 son City for Natural Areas”;

22 (B) the approximately 3,604 acres of Bu-
23 reau of Land Management land identified on
24 the Map as “Silver Saddle Ranch and Carson
25 River Area”;

1 (C) the approximately 1,862 acres of Bu-
2 reau of Land Management land identified on
3 the Map as “To Carson City for Parks and
4 Public Purposes”; and

5 (D) the approximately 75 acres of City
6 land in which the Bureau of Land Management
7 has a reversionary interest that is identified on
8 the Map as “Reversionary Interest of the
9 United States Released”.

10 (c) CONDITIONS.—

11 (1) CONSIDERATION.—Before the conveyance of
12 the 62-acre Bernhard parcel to the City, the City
13 shall deposit in the special account established by
14 section 202(b)(1) an amount equal to 25 percent of
15 the difference between—

16 (A) the amount for which the Bernhard
17 parcel was purchased by the City on July 18,
18 2001; and

19 (B) the amount for which the Bernhard
20 parcel was purchased by the Secretary on
21 March 24, 2006.

22 (2) CONSERVATION EASEMENT.—As a condition
23 of the conveyance of the land described in subsection
24 (b)(2)(B), the Secretary, in consultation with Carson
25 City and affected local interests, shall reserve a per-

petual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with subsection (d)(2).

(3) COSTS.—Any costs relating to the conveyance under subsection (a), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(d) USE OF LAND.—

(1) NATURAL AREAS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the land described in subsection (b)(2)(A) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the City may—

(i) conduct projects on the land to reduce fuels;

(ii) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

1 (iii) maintain or reconstruct any im-
2 provements on the land that are in exist-
3 ence on the date of enactment of this Act.

4 (2) SILVER SADDLE RANCH AND CARSON RIVER
5 AREA.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (B), the land described in sub-
8 section (b)(2)(B) shall—

9 (i) be managed by the City to protect
10 and enhance the Carson River, the flood-
11 plain and surrounding upland, and impor-
12 tant wildlife habitat; and

13 (ii) be used for undeveloped open
14 space, passive recreation, customary agri-
15 cultural practices, and wildlife protection.

16 (B) EXCEPTION.—Notwithstanding sub-
17 paragraph (A), the City may—

18 (i) construct and maintain trails and
19 trailhead facilities on the land;

20 (ii) conduct projects on the land to re-
21 duce fuels;

22 (iii) maintain or reconstruct any im-
23 provements on the land that are in exist-
24 ence on the date of enactment of this Act;
25 and

1 (iv) allow the use of motorized vehi-
2 cles on designated roads, trails, and areas
3 in the south end of Prison Hill.

4 (3) PARKS AND PUBLIC PURPOSES.—The land
5 described in subsection (b)(2)(C) shall be managed
6 by the City for—

7 (A) undeveloped open space; and

8 (B) recreation or other public purposes
9 consistent with the Act of June 14, 1926 (com-
10 monly known as the “Recreation and Public
11 Purposes Act”) (43 U.S.C. 869 et seq.).

12 (4) REVERSIONARY INTEREST.—

13 (A) RELEASE.—The reversionary interest
14 described in subsection (b)(2)(D) shall termi-
15 nate on the date of enactment of this Act.

16 (B) CONVEYANCE BY CITY.—

17 (i) IN GENERAL.—If the City sells,
18 leases, or otherwise conveys any portion of
19 the land described in subsection (b)(2)(D),
20 the sale, lease, or conveyance of land shall
21 be—

22 (I) through a competitive bidding
23 process; and

1 (II) except as provided in clause
2 (ii), for not less than fair market
3 value.

4 (ii) CONVEYANCE TO GOVERNMENT
5 OR NONPROFIT.—A sale, lease, or convey-
6 ance of land described in subsection
7 (b)(2)(D) to the Federal Government, a
8 State government, a unit of local govern-
9 ment, or a nonprofit organization shall be
10 for consideration in an amount equal to
11 the price established by the Secretary of
12 the Interior under section 2741 of title 43,
13 Code of Federal Regulation (or successor
14 regulations).

15 (iii) DISPOSITION OF PROCEEDS.—
16 The gross proceeds from the sale, lease, or
17 conveyance of land under clause (i) shall
18 be distributed in accordance with section
19 202(a).

20 (e) REVERSION.—If land conveyed under subsection
21 (a) is used in a manner that is inconsistent with the uses
22 described in paragraph (1), (2), (3), or (4) of subsection
23 (d), the land shall, at the discretion of the Secretary, re-
24 vert to the United States.

25 (f) MISCELLANEOUS PROVISIONS.—

1 (1) IN GENERAL.—On conveyance of the non-
2 Federal land under subsection (a) to the Secretary
3 of Agriculture, the non-Federal land shall—

4 (A) become part of the Humboldt-Toiyabe
5 National Forest; and

6 (B) be administered in accordance with the
7 laws (including the regulations) and rules gen-
8 erally applicable to the National Forest System.

9 (2) MANAGEMENT PLAN.—The Secretary of Ag-
10 riculture, in consultation with the City and other in-
11 terested parties, may develop and implement a man-
12 agement plan for National Forest System land that
13 ensures the protection and stabilization of the Na-
14 tional Forest System land to minimize the impacts
15 of flooding on the City.

16 (g) CONVEYANCE TO BUREAU OF LAND MANAGE-
17 MENT.—

18 (1) IN GENERAL.—If the City offers to convey
19 to the United States title to the non-Federal land
20 described in paragraph (2) that is acceptable to the
21 Secretary of the Interior, the land shall, at the dis-
22 cretion of the Secretary, be conveyed to the United
23 States.

24 (2) DESCRIPTION OF LAND.—The non-Federal
25 land referred to in paragraph (1) is the approxi-

1 mately 136 acres of land administered by the City
2 and identified on the Map as “To Bureau of Land
3 Management”.

4 (3) COSTS.—Any costs relating to the convey-
5 ance under paragraph (1), including any costs for
6 surveys and other administrative costs, shall be paid
7 by the Secretary of the Interior.

8 **SEC. 102. TRANSFER OF ADMINISTRATIVE JURISDICTION**
9 **FROM THE FOREST SERVICE TO THE BUREAU**
10 **OF LAND MANAGEMENT.**

11 (a) IN GENERAL.—Administrative jurisdiction over
12 the approximately 50 acres of Forest Service land identi-
13 fied on the Map as “Parcel #1” is transferred, from the
14 Secretary of Agriculture to the Secretary of the Interior.

15 (b) COSTS.—Any costs relating to the transfer under
16 subsection (a), including any costs for surveys and other
17 administrative costs, shall be paid by the Secretary of the
18 Interior.

19 (c) USE OF LAND.—

20 (1) RIGHT-OF-WAY.—Not later than 120 days
21 after the date of enactment of this Act, the Sec-
22 retary of the Interior shall grant to the City a right-
23 of-way for the maintenance of flood management fa-
24 cilities located on the land.

1 (2) DISPOSAL.—The land referred to in sub-
2 section (a) shall be disposed of in accordance with
3 section 201.

4 (3) DISPOSITION OF PROCEEDS.—The gross
5 proceeds from the disposal of land under paragraph
6 (2) shall be distributed in accordance with section
7 202(a).

8 **TITLE II—LAND DISPOSAL**

9 **SEC. 201. DISPOSAL OF CARSON CITY LAND.**

10 (a) IN GENERAL.—Notwithstanding sections 202 and
11 203 of the Federal Land Policy and Management Act of
12 1976 (43 U.S.C. 1712, 1713), the Secretary of the Inte-
13 rior shall, in accordance with that Act, this title, and other
14 applicable law, and subject to valid existing rights, conduct
15 sales of the Federal land described in subsection (b) to
16 qualified bidders.

17 (b) DESCRIPTION OF LAND.—The Federal land re-
18 ferred to in subsection (a) is—

19 (1) the approximately 108 acres of Bureau of
20 Land Management land identified as “Lands for
21 Disposal” on the Map; and

22 (2) the approximately 50 acres of land identi-
23 fied as “Parcel #1” on the Map.

24 (c) COMPLIANCE WITH LOCAL PLANNING AND ZON-
25 ING LAWS.—Before a sale of Federal land under sub-

1 section (a), the City shall submit to the Secretary a certifi-
2 cation that qualified bidders have agreed to comply with—

3 (1) City zoning ordinances; and

4 (2) any master plan for the area approved by
5 the City.

6 (d) METHOD OF SALE; CONSIDERATION.—The sale
7 of Federal land under subsection (a) shall be—

8 (1) consistent with subsections (d) and (f) of
9 section 203 of the Federal Land Policy and Manage-
10 ment Act of 1976 (43 U.S.C. 1713);

11 (2) unless otherwise determined by the Sec-
12 retary, through a competitive bidding process; and

13 (3) for not less than fair market value.

14 (e) WITHDRAWAL.—

15 (1) IN GENERAL.—Subject to valid existing
16 rights and except as provided in paragraph (2), the
17 Federal land described in subsection (b) is with-
18 drawn from—

19 (A) all forms of entry and appropriation
20 under the public land laws;

21 (B) location, entry, and patent under the
22 mining laws; and

23 (C) operation of the mineral leasing and
24 geothermal leasing laws.

1 (2) EXCEPTION.—Paragraph (1)(A) shall not
2 apply to sales made consistent with this section.

3 (f) DEADLINE FOR SALE.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), not later than 1 year after the date of en-
6 actment of this Act, if there is a qualified bidder for
7 the land described in paragraphs (1) and (2) of sub-
8 section (b), the Secretary of the Interior shall offer
9 the land for sale to the qualified bidder.

10 (2) POSTPONEMENT; EXCLUSION FROM SALE.—

11 (A) REQUEST BY CARSON CITY FOR POST-
12 PONEMENT OR EXCLUSION.—At the request of
13 the City, the Secretary shall postpone or ex-
14 clude from the sale under paragraph (1) all or
15 a portion of the land described in paragraphs
16 (1) and (2) of subsection (b).

17 (B) INDEFINITE POSTPONEMENT.—Unless
18 specifically requested by the City, a postpone-
19 ment under subparagraph (A) shall not be in-
20 definite.

21 **SEC. 202. DISPOSITION OF PROCEEDS.**

22 (a) IN GENERAL.—Of the proceeds from the sale of
23 land under sections 101(d)(4)(B) and 201(a)—

1 (1) 5 percent shall be paid directly to the State
2 for use in the general education program of the
3 State; and

4 (2) the remainder shall be deposited in a special
5 account in the Treasury of the United States, to be
6 known as the “Carson City Special Account”, and
7 shall be available without further appropriation to
8 the Secretary until expended to—

9 (A) reimburse costs incurred by the Bu-
10 reau of Land Management for preparing for the
11 sale of the Federal land described in section
12 201(b), including the costs of—

13 (i) surveys and appraisals; and

14 (ii) compliance with—

15 (I) the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321
17 et seq.); and

18 (II) sections 202 and 203 of the
19 Federal Land Policy and Management
20 Act of 1976 (43 U.S.C. 1712, 1713);

21 (B) reimburse costs incurred by the Bu-
22 reau of Land Management and Forest Service
23 for preparing for, and carrying out, the trans-
24 fers of land to be held in trust by the United
25 States under section 301; and

1 (C) acquire environmentally sensitive land
2 or an interest in environmentally sensitive land
3 in the City.

4 (b) SILVER SADDLE ENDOWMENT ACCOUNT.—

5 (1) ESTABLISHMENT.—There is established in
6 the Treasury of the United States a special account,
7 to be known as the “Silver Saddle Endowment Ac-
8 count”, consisting of such amounts as are deposited
9 under section 101(c)(1).

10 (2) AVAILABILITY OF AMOUNTS.—Amounts de-
11 posited in the account established by paragraph (1)
12 shall be available to the Secretary, without further
13 appropriation, for the oversight and enforcement of
14 the conservation easement established under section
15 101(c)(2).

16 **SEC. 203. URBAN INTERFACE.**

17 (a) IN GENERAL.—Except as otherwise provided in
18 this Act and subject to valid existing rights, the Federal
19 land described in subsection (b) is permanently withdrawn
20 from—

21 (1) all forms of entry and appropriation under
22 the public land laws and mining laws;

23 (2) location and patent under the mining laws;
24 and

1 (3) operation of the mineral laws, geothermal
2 leasing laws, and mineral material laws.

3 (b) DESCRIPTION OF LAND.—The land referred to in
4 subsection (a) consists of approximately 19,747 acres,
5 which is identified on the Map as “Urban Interface With-
6 drawal”.

7 (c) INCORPORATION OF ACQUIRED LAND AND INTER-
8 ESTS.—Any land or interest in land within the boundaries
9 of the land described in subsection (b) that is acquired
10 by the United States after the date of enactment of this
11 Act shall be withdrawn in accordance with this section.

12 (d) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until
13 the date on which the Secretary, in consultation with the
14 State, the City, and any other interested persons, com-
15 pletes a transportation plan for Federal land in the City,
16 the use of motorized and mechanical vehicles on Federal
17 land within the City shall be limited to roads and trails
18 in existence on the date of enactment of this Act unless
19 the use of the vehicles is needed—

20 (1) for administrative purposes; or

21 (2) to respond to an emergency.

22 **SEC. 204. AVAILABILITY OF FUNDS.**

23 Section 4(e) of the Southern Nevada Public Land
24 Management Act of 1998 (Public Law 105–263; 112 Stat.

1 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414;
2 120 Stat. 3045) is amended—

3 (1) in paragraph (3)(A)(iv), by striking “Clark,
4 Lincoln, and White Pine Counties and Washoe
5 County (subject to paragraph 4))” and inserting
6 “Clark, Lincoln, and White Pine Counties and
7 Washoe County (subject to paragraph 4)) and Car-
8 son City (subject to paragraph (5))”;

9 (2) in paragraph (3)(A)(v), by striking “Clark,
10 Lincoln, and White Pine Counties” and inserting
11 “Clark, Lincoln, and White Pine Counties and Car-
12 son City (subject to paragraph (5))”;

13 (3) in paragraph (4), by striking “2011” and
14 inserting “2015”; and

15 (4) by adding at the end the following:

16 “(5) LIMITATION FOR CARSON CITY.—Carson
17 City shall be eligible to nominate for expenditure
18 amounts to acquire land or an interest in land for
19 parks or natural areas and for conservation initia-
20 tives—

21 “(A) adjacent to the Carson River; or

22 “(B) within the floodplain of the Carson
23 River.”.

1 **TITLE III—TRANSFER OF LAND**
2 **TO BE HELD IN TRUST FOR**
3 **THE WASHOE TRIBE, SKUNK**
4 **HARBOR CONVEYANCE COR-**
5 **RECTION, FOREST SERVICE**
6 **AGREEMENT, AND ARTIFACT**
7 **COLLECTION**

8 **SEC. 301. TRANSFER OF LAND TO BE HELD IN TRUST FOR**
9 **WASHOE TRIBE.**

10 (a) IN GENERAL.—Subject to valid existing rights,
11 all right, title, and interest of the United States in and
12 to the land described in subsection (b)—

13 (1) shall be held in trust by the United States
14 for the benefit and use of the Tribe; and

15 (2) shall be part of the reservation of the Tribe.

16 (b) DESCRIPTION OF LAND.—The land referred to in
17 subsection (a) consists of approximately 293 acres, which
18 is identified on the Map as “To Washoe Tribe”.

19 (c) SURVEY.—Not later than 180 days after the date
20 of enactment of this Act, the Secretary of Agriculture shall
21 complete a survey of the boundary lines to establish the
22 boundaries of the land taken into trust under subsection
23 (a).

24 (d) USE OF LAND.—

1 (1) GAMING.—Land taken into trust under sub-
2 section (a) shall not be eligible, or considered to
3 have been taken into trust, for class II gaming or
4 class III gaming (as those terms are defined in sec-
5 tion 4 of the Indian Gaming Regulatory Act (25
6 U.S.C. 2703)).

7 (2) TRUST LAND FOR CEREMONIAL USE AND
8 CONSERVATION.—With respect to the use of the land
9 taken into trust under subsection (a) that is above
10 the 5,200' elevation contour, the Tribe—

11 (A) shall limit the use of the land to—

12 (i) traditional and customary uses;

13 and

14 (ii) stewardship conservation for the
15 benefit of the Tribe; and

16 (B) shall not permit any—

17 (i) permanent residential or rec-
18 reational development on the land; or

19 (ii) commercial use of the land, in-
20 cluding commercial development or gam-
21 ing.

22 (3) TRUST LAND FOR COMMERCIAL AND RESI-
23 DENTIAL USE.—With respect to the use of the land
24 taken into trust under subsection (a), the Tribe shall

1 limit the use of the land below the 5,200' elevation
2 to—

3 (A) traditional and customary uses;

4 (B) stewardship conservation for the ben-
5 efit of the Tribe; and

6 (C)(i) residential or recreational develop-
7 ment; or

8 (ii) commercial use.

9 (4) THINNING; LANDSCAPE RESTORATION.—

10 With respect to the land taken into trust under sub-
11 section (a), the Secretary of Agriculture, in consulta-
12 tion and coordination with the Tribe, may carry out
13 any thinning and other landscape restoration activi-
14 ties on the land that is beneficial to the Tribe and
15 the Forest Service.

16 **SEC. 302. CORRECTION OF SKUNK HARBOR CONVEYANCE.**

17 (a) PURPOSE.—The purpose of this section is to
18 amend Public Law 108–67 (117 Stat. 880) to make a
19 technical correction relating to the land conveyance au-
20 thorized under that Act.

21 (b) TECHNICAL CORRECTION.—Section 2 of Public
22 Law 108–67 (117 Stat. 880) is amended—

23 (1) by striking “Subject to” and inserting the
24 following:

25 “(a) IN GENERAL.—Subject to”;

1 (2) in subsection (a) (as designated by para-
2 graph (1)), by striking “the parcel” and all that fol-
3 lows through the period at the end and inserting the
4 following: “and to approximately 23 acres of land
5 identified as ‘Parcel A’ on the map entitled ‘Skunk
6 Harbor Conveyance Correction’ and dated Sep-
7 tember 12, 2008, the western boundary of which is
8 the low water line of Lake Tahoe at elevation
9 6,223.0 (Lake Tahoe Datum).”; and

10 (3) by adding at the end the following:

11 “(b) SURVEY AND LEGAL DESCRIPTION.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this subsection, the
14 Secretary of Agriculture shall complete a survey and
15 legal description of the boundary lines to establish
16 the boundaries of the trust land.

17 “(2) TECHNICAL CORRECTIONS.—The Sec-
18 retary may correct any technical errors in the survey
19 or legal description completed under paragraph (1).

20 “(c) PUBLIC ACCESS AND USE.—Nothing in this Act
21 prohibits any approved general public access (through ex-
22 isting easements or by boat) to, or use of, land remaining
23 within the Lake Tahoe Basin Management Unit after the
24 conveyance of the land to the Secretary of the Interior,
25 in trust for the Tribe, under subsection (a), including ac-

1 cess to, and use of, the beach and shoreline areas adjacent
2 to the portion of land conveyed under that subsection.”.

3 (c) DATE OF TRUST STATUS.—The trust land de-
4 scribed in section 2(a) of Public Law 108–67 (117 Stat.
5 880) shall be considered to be taken into trust as of Au-
6 gust 1, 2003.

7 (d) TRANSFER.—The Secretary of the Interior, act-
8 ing on behalf of and for the benefit of the Tribe, shall
9 transfer to the Secretary of Agriculture administrative ju-
10 risdiction over the land identified as “Parcel B” on the
11 map entitled “Skunk Harbor Conveyance Correction” and
12 dated September 12, 2008.

13 **SEC. 303. AGREEMENT WITH FOREST SERVICE.**

14 The Secretary of Agriculture, in consultation with the
15 Tribe, shall develop and implement a cooperative agree-
16 ment that ensures regular access by members of the Tribe
17 and other people in the community of the Tribe across
18 National Forest System land from the City to Lake Tahoe
19 for cultural and religious purposes.

20 **SEC. 304. ARTIFACT COLLECTION.**

21 (a) NOTICE.—At least 180 days before conducting
22 any ground disturbing activities on the land identified as
23 “Parcel #2” on the Map, the City shall notify the Tribe
24 of the proposed activities to provide the Tribe with ade-

1 quate time to inventory and collect any artifacts in the
2 affected area.

3 (b) AUTHORIZED ACTIVITIES.—On receipt of notice
4 under subsection (a), the Tribe may collect and possess
5 any artifacts relating to the Tribe in the land identified
6 as “Parcel #2” on the Map.

7 **TITLE IV—MISCELLANEOUS**
8 **PROVISIONS**

9 **SEC. 401. CONVEYANCE OF PROPERTY TO CLARK COUNTY,**
10 **NEVADA.**

11 (a) CONVEYANCE.—As soon as practicable after the
12 date of enactment of this Act, the Secretary of the Interior
13 shall convey to Clark County, Nevada, subject to valid ex-
14 isting rights, for no consideration, all right, title, and in-
15 terest of the United States in and to the land described
16 in subsection (b).

17 (b) MAP.—The land to be conveyed under subsection
18 (a) is the approximately 1,150 acres of land as depicted
19 on the map titled “Clark County OHV Recreation Park”
20 and dated July 2008.

21 (c) USE OF LAND.—

22 (1) IN GENERAL.—The parcels of land conveyed
23 under subsection (a)—

24 (A) shall be used by Clark County—

1 (i) to provide a suitable location for
2 the establishment of a centralized off road
3 vehicle recreation park in Clark County,
4 Nevada;

5 (ii) to provide the public with opportu-
6 nities for off road vehicle recreation includ-
7 ing a location for races, competitive events,
8 training and other commercial support
9 services; and

10 (iii) to provide a designated area and
11 facilities that will discourage unauthorized
12 use of off-highway vehicles in areas that
13 have been identified as environmentally
14 sensitive lands by the Federal, State, and
15 Clark County agencies; and

16 (B) shall not be disposed of by the county.

17 (2) REVERSION.—If Clark County ceases to use
18 any parcel for the purposes described in subsection

19 (a)—

20 (A) title to the parcel shall revert to the
21 United States, at the option of the United
22 States; and

23 (B) Clark County, Nevada, shall be re-
24 sponsible for any reclamation necessary to re-
25 vert the parcel to the United States.

1 (d) ADDITIONAL TERMS AND CONDITIONS.—The
 2 Secretary of the Interior may require such additional
 3 terms and conditions in connection with the conveyance
 4 as the Secretary considers appropriate to protect the inter-
 5 ests of the United States.

6 (e) EASEMENT.—The United States hereby reserves
 7 a right of flight for the passage of aircraft in the airspace
 8 above the surface of the lands conveyed to Clark County
 9 identified under this section together with the right to
 10 cause in such air space such noise, vibration, smoke, and
 11 other effects as may be inherent in operation of aircraft
 12 landing at or taking off from Nellis Air Force Base, Ne-
 13 vada.

14 **SEC. 402. SPECIAL DESIGNATION OF THE NELLIS DUNES**
 15 **NATIONAL OFF-HIGHWAY VEHICLE RECRE-**
 16 **ATION AREA IN CLARK COUNTY, NEVADA.**

17 (a) IN GENERAL.—The area commonly known and
 18 managed as Nellis Dunes in the Bureau of Land Manage-
 19 ment Resource Management Plan covering the approxi-
 20 mately 9,239 acres described in subsection (b) shall be
 21 designated the “Nellis Dunes National Off-Highway Vehi-
 22 cle Recreation Area”.

23 (b) DESCRIPTION.—The land referred to in sub-
 24 section (a) is _____.

1 (c) MANAGEMENT PLAN.—The Bureau of Land
2 Management may develop a special management plan for
3 the area to enhance the safe off-highway vehicle recreation
4 use.

5 **SEC. 403. TRANSFER OF ADMINISTRATIVE JURISDICTION**
6 **TO NELLIS AIR FORCE BASE.**

7 (a) IN GENERAL.—Administrative jurisdiction over
8 the parcel of land identified on the map referred to in sub-
9 section (b) is transferred from the Bureau of Land Man-
10 agement to the Department of the Air Force for the use
11 of Nellis Air Force Base.

12 (b) DESCRIPTION OF LAND.—The land referred to in
13 subsection (a) is the approximately _____ acres of land
14 administered by the Bureau of Land Management land
15 and generally depicted on the map titled “Nellis Air Force
16 Base Additions August 2008”.

17 (c) USE OF LAND.—The parcel of land described in
18 subsection (b) shall be used by Air Force for the enlarge-
19 ment and protection of Nellis Air Force Base.

20 **SEC. 404. FINAL PATENT AND LAND RECONFIGURATION IN**
21 **CLARK COUNTY AND LINCOLN COUNTY, NE-**
22 **VADA.**

23 Patent No. 27–2005–008 and its associated land re-
24 configuration issued by the Bureau of Land Management
25 on February 18, 2005, is hereby affirmed and validated

1 as having been issued pursuant to and in compliance with
2 the provisions of the Nevada-Florida Land Exchange Au-
3 thorization Act of 1988 (Public Law 100–275), the Na-
4 tional Environmental Policy Act of 1969, and the Federal
5 Land Policy Management Act of 1976 for the benefit of
6 the desert tortoise and other species and their habitat to
7 increase the likelihood of their recovery. The process uti-
8 lized by the United States Fish and Wildlife Service and
9 the Bureau of Land Management in reconfiguring the
10 lands as shown on Exhibit 1–4 of the Final Environmental
11 Impact Statement for the Planned Development Project
12 MSHCP, Lincoln County, NV (FWS–R8–ES–2008–
13 N00136) is hereby ratified.

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